

## Message Text

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ACTION EUR-12

INFO OCT-01 ISO-00 EURE-00 SSO-00 NSCE-00 USIE-00 INRE-00  
CIAE-00 DODE-00 PM-04 H-01 INR-07 L-03 NSAE-00 NSC-05  
PA-01 PRS-01 SP-02 SS-15 VO-03 SCA-01 PPT-01 ACDA-07  
IO-13 ACDE-00 /077 W  
-----071508Z 104160 /43

O O 071436Z JAN 77 ZFF 4  
FM AMEMBASSY BONN  
TO SECSTATE WASHDC NIACT IMMEDIATE 4498  
INFO USMISSION USBERLIN  
AMEMBASSY BERLIN  
AMEMBASSY LONDON  
AMEMBASSY MOSCOW  
AMEMBASSY PARIS IMMEDIATE  
USMISSION NATO BRUSSELS

C O N F I D E N T I A L SECTION 01 OF 03 BONN 00327

E.O. 11652: GDS  
TAGS: PFOR, PGOV, GW, GE, WB, UR, US, UK, FR  
SUBJECT: ALLIED RESPONSE TO GDR VISA MEASURE:  
DRAFT PROTEST

REFS: (A) STATE 3535; (B) BONN 308; (C) PARIS 518;  
(D) BERLIN 5034; (E) USBERLIN 54

BEGIN SUMMARY: THE BONN GROUP HAS REACHED AD REF  
AGREEMENT ON A REVISED TEXT FOR AN ALLIED PROTEST TO  
THE SOVIETS OVER RECENT GDR STATEMENTS AND MEASURES  
CONCERNING EAST BERLIN. THE BRITISH AND FRENCH REPS  
WILL REPORT THE STRONG US PREFERENCE FOR DELIVERY  
OF THE PROTEST IN MOSCOW. THE BONN GROUP WILL ATTEMPT  
TO REACH FINAL AGREEMENT ON TEXT AND MODALITIES ON  
SATURDAY MORNING, JANUARY 8. ACTION REQUESTED:  
APPROVAL OF REVISED TEXT AND INSTRUCTIONS AS TO  
WHETHER DEPARTMENT WOULD ACCEPT DELIVERY IN BERLIN IF  
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FRENCH CONTINUE TO OPPOSE DELIVERY IN MOSCOW.  
END SUMMARY

1. WE REPORT IN PARA 7 BELOW THE FULL TEXT OF THE  
REVISED PROTEST ON WHICH AD REF AGREEMENT WAS REACHED  
BY THE BONN GROUP THIS MORNING (JANUARY 7). THESE  
ARE THE MAIN CHANGES FROM THE TEXT REPORTED IN REF B:

-- IN PARA A, CHANGE "CERTAIN MEASURES" TO  
"RECENT MEASURES," AND DELETE THE DATE JANUARY 1 AND  
ALL EXAMPLES;

-- REVISE THE FINAL SENTENCE OF PARA A IN  
ACCORDANCE WITH DEPARTMENT'S INSTRUCTIONS (REF A);

-- IN FIRST SUBPARAGRAPH OF PARA B, DELETE  
"QUADRIpartite" SO THAT FIRST SENTENCE WOULD REFER  
ONLY TO THE "STATUS OF GREATER BERLIN." THIS WAS AT  
BRITISH REQUEST AND IS A BRITISH POSITION OF LONG  
STANDING;

-- IN SECOND SUBPARAGRAPH OF PARA B, LAST  
SENTENCE, CHANGE "ALL PARTS OF BERLIN" TO "ALL  
SECTORS OF BERLIN" (AT FRENCH REQUEST);

-- REVISE COMPLETELY THE LEAD SENTENCE OF PARA C  
IN AN EFFORT TO REACH A COMPROMISE BETWEEN US AND  
UK INSTRUCTIONS ON THIS SENTENCE AND ALSO TO RETAIN  
THE IDEA OF A "VIOLATION," SOMETHING WHICH ALL  
MEMBERS OF BONN GROUP BELIEVE SHOULD BE INCLUDED IF AT  
ALL POSSIBLE.

2. THE BONN GROUP WAS AGREED THAT THE SUSPENSION OF  
PUBLICATION OF THE "VERORDNUNGSBLATT FUER GROSS-BERLIN,"  
WITH THE IMPLICATION THAT THERE WAS NO LONGER A  
SEPARATE PROCEDURE FOR TAKEOVER OF GDR LEGISLATION IN  
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EAST BERLIN (REFS D AND E), WAS POTENTIALLY THE MOST  
SERIOUS OF ANY OF THE ACTIONS TAKEN BY THE GDR. IT WAS  
ON THIS BASIS THAT AGREEMENT WAS REACHED TO DROP ALL  
EXAMPLES OF RECENT GDR MEASURES FROM THE PROTEST. THE  
BONN GROUP ALSO AGREED WITH THE SUGGESTION BY USBER,  
THAT THE APPARENT SUSPENSION OF PUBLICATION OF THIS  
DOCUMENT SHOULD BE MENTIONED, IF THE SOVIETS ASK WHAT  
MEASURES WE HAVE IN MIND (OR TRY TO DOWN PLAY THE  
IMPORTANCE OF THE NEW VISA LAW AND THE REMOVAL OF THE  
CONTROL POSTS). MOREOVER, IT WOULD NOT BE DESIRABLE  
TO MENTION THE THREE EXAMPLES IN THE SAME MANNER, AS  
THIS WOULD SEEM TO BE MIXING THE SIGNIFICANT WITH THE  
TRIVIAL. IT WOULD ALSO BE NECESSARY, IN PRESENTING  
EXAMPLES, TO AVOID SUGGESTING THAT WE HAD NO OBJECTION  
TO CERTAIN OTHER RECENT MEASURES (INCLUSION OF THE  
GOVERNING MAYOR OF EAST BERLIN IN THE GDR COUNCIL OF  
MINISTERS, CESSATION OF ISSUANCE OF SEPARATE ID CARDS  
FOR EAST BERLIN DELEGATES TO THE VOLKSKAMMER, APPEAR-  
ANCE OF "BORDER POLICE" ARMBANDS ON VOPOS AT THE

SECTOR-SECTOR CHECKPOINTS, ETC.).

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3. MAJOR DISCUSSION FOCUSED ON THE WORDING OF THE  
OPERATIVE SENTENCE, THE LEAD SENTENCE OF PARA C.  
THE DILEMMA, OF COURSE, LIES IN THE CONTRADICTION  
BETWEEN DESCRIBING EITHER ACTIONS OR STATEMENTS BY  
THE GDR AS A CHANGE AND THEREFORE A VIOLATION, WHILE  
AT THE SAME TIME CONTINUING TO ASSERT THAT THERE CAN  
BE NO CHANGE WITHOUT THE AGREEMENT OF ALL FOUR POWERS.  
THE ARGUMENT IS FASCINATING AND CAN AND DOES GO  
AROUND AND AROUND FOR HOURS. OF THE NUMEROUS  
POSSIBILITIES CONSIDERED IN THIS AND PREVIOUS  
SESSIONS, THE SENTENCE FINALLY AGREED UPON SEEMS BEST.  
THERE WAS GENERAL AGREEMENT THAT TO REST WITH THE  
PROPOSED US WORDING, THAT THE ACTIONS WERE "INCONSIS-  
TENT" WITH THE STATUS OF BERLIN AND THE QA, WAS  
EXTREMELY WEAK. THERE WAS ALSO AGREEMENT THAT, IF  
PRESSED TO STATE WHICH PORTIONS OF THE QA HAD BEEN  
VIOLATED BY ASSERTIONS AND ACTIONS WHICH "PURPORT" TO  
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DO SOMETHING, REFERENCE COULD BE MADE TO SUBSECTIONS  
1, 3 AND 4 OF PART I OF THE QA.

4. PLACE OF DELIVERY. US REP EXPRESSED STRONG  
BELIEF OF US THAT PROTEST SHOULD BE DELIVERED IN  
MOSCOW, USING ARGUMENTATION IN REF A. THE FRENCH REP,  
WHOSE INSTRUCTIONS CALL FOR DELIVERY IN BERLIN, AND  
THE UK REP, WHO HAS NO INSTRUCTIONS ON THE POINT,  
UNDERTOOK TO REPORT THE US POSITION. THE FRG REP  
DID NOT ENTER INTO THE DISCUSSION, BELIEVING  
APPARENTLY THAT IT WAS A MATTER FOR THE ALLIES TO  
DECIDE.

5. PRESS HANDLING. UK REP (HITCH) EXPRESSED A  
PREFERENCE FOR OUR SAYING NOTHING TO THE PRESS ABOUT A  
PROTEST EITHER BEFORE OR AFTER DELIVERY. HE RECOGNIZED,  
HOWEVER, THAT THIS WAS UNREALISTIC GIVEN THE EXTENT  
OF PRESS INTEREST THUS FAR AND THE CONTINUING INQUIRIES.  
THE BONN GROUP AGREED TO RECOMMEND THAT, UNTIL THE  
PROTEST HAD BEEN DELIVERED, ALL OF US SHOULD MAINTAIN  
A STRICT NO COMMENT POSTURE ON QUESTIONS OF WHETHER  
THERE WOULD OR WOULD NOT BE A PROTEST. AFTER DELIVERY,  
WE COULD CONFIRM THAT THERE HAD BEEN A PROTEST AND,  
IF PRESSED, STATE WHERE IT HAD BEEN DELIVERED. WE  
SHOULD AVOID ANY DISCUSSION OF THE CONTENT OF THE  
PROTEST.

6. THE BONN GROUP HAS TENTATIVELY AGREED TO RECONVENE  
ON SATURDAY MORNING, JANUARY 8, IN THE HOPE THAT ALL  
THREE ALLIED REPS WILL HAVE INSTRUCTIONS BY THEN THAT  
WILL PERMIT FINAL AGREEMENT ON TEXT AND MODALITIES OF  
DELIVERY, SO THAT THE PROTEST CAN BE DELIVERED ON  
MONDAY.

7. THE REVISED AD REF TEXT FOLLOWS:

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BEGIN TEXT

A. THE UNITED STATES (BRITISH, FRENCH) GOVERNMENT,  
AFTER CONSULTATION WITH THE GOVERNMENTS OF FRANCE AND  
THE UK, WISHES TO DIRECT THE ATTENTION OF THE SOVIET  
GOVERNMENT TO RECENT MEASURES INSTITUTED BY THE  
GERMAN DEMOCRATIC REPUBLIC AND TO THE OFFICIAL STATE-  
MENT ISSUED ON DECEMBER 31, 1976, BY AUTHORITIES OF

THE GDR CONTAINING INCORRECT ASSERTIONS CONCERNING THE STATUS OF THE CITY OF BERLIN AND CONCERNING THE QUADRIpartite AGREEMENT OF SEPTEMBER 3, 1971. IT IS CLEAR FROM THAT STATEMENT THAT THE PURPOSE OF THESE ACTIONS WAS TO GIVE THE IMPRESSION THAT THE AUTHORITIES OF THE GDR COULD BY UNILATERAL ACTION INTEGRATE THE EASTERN SECTOR OF BERLIN INTO THE GDR.

B. IN THIS REGARD, THE USG WISHES TO STATE THE FOLLOWING:

-- THE STATUS OF GREATER BERLIN STEMS FROM THE ORIGINAL RIGHTS AND RESPONSIBILITIES OF THE FOUR POWERS. QUADRIpartite WARTIME AND POST-WAR AGREEMENTS AND DECISIONS BASED ON THESE RIGHTS AND RESPONSIBILITIES STIPULATED THAT GREATER BERLIN WAS TO BE A SPECIAL AREA UNDER THE JOINT AUTHORITY OF THE FOUR POWERS ENTIRELY DISTINCT FROM THE SOVIET ZONE OF OCCUPATION IN GERMANY.

-- ANY CHANGE IN THE STATUS OF GREATER BERLIN AS

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FM AMEMBASSY BONN

TO SECSTATE WASHDC NIACT IMMEDIATE 4500

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REFLECTED IN THESE AGREEMENTS AND DECISIONS WOULD REQUIRE THE AGREEMENT OF ALL FOUR POWERS. NO SUCH AGREEMENT ALTERING THE STATUS OF BERLIN OR PROVIDING FOR A SPECIAL STATUS FOR ANY OF ITS SECTORS HAS EVER BEEN CONCLUDED. NO UNILATERAL STEPS TAKEN IN VIOLATION OF THE QUADRIpartite AGREEMENTS AND DECISIONS RELATING TO GREATER BERLIN, NOR THE FACT THAT THE SEAT OF GOVERNMENT OF THE GERMAN DEMOCRATIC REPUBLIC IS CURRENTLY LOCATED IN THE EASTERN SECTOR OF THE CITY, CAN IMPLY THAT THE QUADRIpartite RIGHTS AND RESPONSIBILITIES RELATING TO ALL SECTORS OF BERLIN, INCLUDING THE EASTERN SECTOR, ARE IN ANY WAY AFFECTED OR THAT THERE EXISTS A STATE FRONTIER BETWEEN THE EASTERN SECTOR AND THE WESTERN SECTORS OF BERLIN.

-- THE QUADRIpartite AGREEMENT, SIGNED IN BERLIN ON SEPTEMBER 3, 1971, WAS EXPLICITLY CONCLUDED ON THE BASIS THAT THE QUADRIpartite RIGHTS AND RESPONSIBILITIES ARE IN ANY WAY AFFECTED.

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BILITIES AND THE CORRESPONDING WARTIME AND POST-WAR AGREEMENTS AND DECISIONS OF THE FOUR POWERS ARE NOT AFFECTED.

C. INSOFAR AS THE ASSERTIONS MADE BY THE AUTHORITIES OF THE GDR AND THE ACTIONS TAKEN BY THEM PURPORT TO CHANGE THE STATUS OF GREATER BERLIN, THEY CONSTITUTE A VIOLATION OF THE QUADRIpartite AGREEMENT OF SEPTEMBER 3, 1971. THIS AGREEMENT, WHICH APPLIES TO THE WHOLE OF BERLIN, CAN FUNCTION ONLY IF ITS FUNDAMENTAL PRINCIPLES ARE RESPECTED IN ALL PARTS OF THE CITY.

D. THE AUTHORITIES OF THE UNITED STATES, THE UK, AND FRANCE WILL CONTINUE TO EXERCISE THEIR FULL RIGHTS AND TO DISCHARGE FULLY THEIR RESPONSIBILITIES IN BERLIN. THEY HOLD THE SOVIET GOVERNMENT RESPONSIBLE FOR CARRYING OUT ITS OBLIGATIONS REGARDING BERLIN.

END TEXT

8. ACTION REQUESTED:

A. APPROVAL OF THE ABOVE REVISED TEXT.

B. CONCURRENCE IN THE RECOMMENDATION FOR PRESS HANDLING IN PARA 5 ABOVE.

C. INSTRUCTIONS AS TO WHETHER WE WOULD ACCEPT DELIVERY IN BERLIN AS A FALLBACK POSITION, IF THE US POSITION AS STATED IN THE BONN GROUP AND THE CONTINUING

GOOD EFFORTS OF EMBASSY PARIS (REF C) DO NOT BRING  
THE FRENCH AROUND ON THIS POINT.  
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## Message Attributes

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**Subject:** ALLIED RESPONSE TO GDR VISA MEASURE: DRAFT PROTEST  
**TAGS:** PFOR, PGOV, GE, GC, WB, UR, US, UK, FR  
**To:** STATE  
**Type:** TE  
**vdkgvwkey:** odbc://SAS/SAS.dbo.SAS\_Docs/b69e30dc-c288-dd11-92da-001cc4696bcc  
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